

COVERED CALIFORNIA PRIVACY POLICY

Your Information. Your Rights. Our Responsibility.

Effective Date: October 6, 2020

YOUR PRIVACY MATTERS TO US

At Covered California, our philosophy is “*Consumers First*”. Every decision we make is based upon that fundamental principle, including how we collect, maintain and utilize your personal information. We want you to enroll with confidence and to be informed and empowered with regard to your personal privacy.

Simply put:

- We will not collect personal information from you without your knowledge or consent;
- We will not knowingly disclose your personal information to a third party, except as provided in this Privacy Policy;
- We will allow you to inspect and correct your personal information;
- We will take any and all reasonable measures to protect the security of any personal information you provide; and
- We will notify you if we ever suspect that the privacy of any personal information you provide may have been compromised.

The remainder of this Privacy Policy describes our personal information handling practices in greater detail.

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1. APPLICATION

This Privacy Policy shall at all times be applicable to any website (our Sites) operated or maintained by Covered California, including but not limited to www.CoveredCA.com, <https://v.calheers.ca.gov>, www.hbex.ca.gov and www.healthexchange.ca.gov. Our Privacy Policy has been incorporated into the Covered California Terms of Use, which represents a legal agreement between Covered California and those who utilize our Sites or any service provided through our Sites. Please read this Privacy Policy carefully.

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2. CONSENT

By submitting personal information to us or by using our Sites, you agree that we may collect, use and disclose any such personal information in accordance with this Privacy Policy or as permitted or required by law. If you do not agree with these terms, please do not provide your personal information.

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3. THE PERSONAL INFORMATION WE COLLECT

In order to fulfill our requirements under federal and California state law, Covered California is required to collect both personally-identifiable information and electronically collected personal information.

- Under the California Information Practices Act and Affordable Care Act (ACA) privacy regulation, "Personal Information" or "Personally-Identifiable Information" (PII) consists of information about an individual which identifies or describes that individual, such as a name, social security number, physical description, home address or telephone number, educational status, financial matters or medical or employment history. Under certain circumstances, such PII can also consist of non-identifiable information when it is combined with other information which can collectively be used to distinguish or trace an individual's identity.

The type of PII we collect from you includes any information you provide within your application for health insurance, including your contact information, social security number, demographic, health or financial information and alien status.

- Under the California Government Code, "Electronically Collected Personal Information" (ECPI) consists of any PII maintained by a state agency which identifies or describes an individual computer user or any other information which reveals any

network location or identity. ECPI *does not* include any electronic or paper-based information which you provide to Covered California manually, such as the PII you provide in conjunction with your application for health care coverage.

Covered California may collect ECPI about you from other federal or state government agencies or a qualified health plan in which you are enrolled. Such ECPI may include your reported household income, as well as information related to your current healthcare enrollment status.

Covered California may likewise collect ECPI related to the use of its Sites to provide consumers a more personalized online experience. ECPI collected by Covered California shall at no time be sold and is at all times exempt from the California Public Records Act. Such ECPI may include first-party cookies or other anonymous identifiers which would not permit anyone to identify you but may allow Covered California to identify your computer or device on the internet. Covered California does not collect, receive or utilize third-party cookies from other sites you may have visited.

Covered California currently utilizes both “session cookies” and “persistent cookies”. Session cookies represent a string of random characters which are placed on your hard drive while visiting our Sites and are deleted automatically whenever you leave our Sites. Persistent cookies also represent a string of random characters placed on your hard drive but will remain on your hard-drive unless you opt-out of receiving them or delete them after visiting our Sites. Please [click here](#) if you would like information regarding how to opt-out or disable the use of third-party cookies from other sites you may have visited for your particular browser.

ECPI, such as session or persistent cookies, is subject to the same privacy and information safeguards as any other PII but will not be retained by Covered California for a period of more than one (1) year.

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4. HOW WE USE YOUR PERSONAL INFORMATION

Covered California strictly limits personal information it collects to that which is both relevant and necessary to fulfill the functions required of us under the Affordable Care Act and applicable California state law. Consequently, the personal information you provide through our Sites may *only* be used in the following ways:

- **Determining your eligibility for health care coverage.**

Covered California may exchange your personal information with other government agencies to determine your eligibility for premium assistance or other insurance affordability programs.

Example: We may share your personal information with the IRS to determine your eligibility for advance premium tax credits or with the CA Dept. of Health Care Services to determine your eligibility for Medi-Cal.

- **Facilitating your initial enrollment in health coverage.**

If you do not currently have coverage, Covered California may use your personal information for the purpose of enrolling you into either a health plan or Medi-Cal by sharing it with other government agencies or, with consent, our certified enrollment representatives. Covered California enrollment representatives are each required to undergo a fingerprint and background check and receive specialized training to ensure your personal information is kept confidential.

Example: With your consent, we may share personal information you provide with a Navigator, Certified Insurance Agent or a Certified Enrollment Counselor to assist you with your application for health insurance.

- **Managing your enrollment in health coverage**

If you have already enrolled through Covered California, we may exchange and share your personal information with our contractors or certified enrollment representatives to maintain or manage your health insurance enrollment.

Example: Covered California may use the contact information you provide to send you important notices regarding the status of your health care coverage or steps you may need to take in order to maintain it. If you indicate that you would like Covered California to contact you via text messaging, our use of text messaging will at all times be subject to the Covered California [SMS Terms of Service](#) to ensure compliance with Applicable federal and California State law.

Example: We may share your personal information with a contractor who helps to develop and maintain our information systems or with your selected health plan to ensure your continuing enrollment. To the extent required under applicable law, we may also share your personal information with an alternative health plan should your current health plan become unavailable.

- **Complying with federal or state law.**

We may share your personal information when it's necessary to comply with federal or state law.

Examples: Covered California may share your personal information with the U.S. Department of Health and Human Services, which oversees state-based exchanges, to ensure our compliance with federal privacy laws. Covered California may also share your

personal information in response to a court order or subpoena; however, you will at all times receive prior, written notice as required by California state law.

- **Performing other required Exchange functions.**

The Affordable Care Act requires Covered California to fulfill specific Exchange functions, which include community outreach and educational activities and allowing consumers to file for health care coverage and tax credits through a single, streamlined application. To enable Covered California to fulfill these functions, we may use your personal information to contact you either directly or through a certified representative for the purpose of soliciting your input and feedback regarding these services. Covered California may also share your information with other government agencies or organizations when necessary to fulfill a required Exchange minimum function.

Example: We may share your personal information with a certified representative for the purpose of administering a survey regarding your health enrollment status and your satisfaction with Covered California's services.

Example: We may also share your personal information with other agencies when it is needed to help us establish premium rates for qualified health plans participating in the Exchange.

Example: We may share ECPI, including first-party cookies, with our community outreach and education partners to offer you a more personalized online experience regarding to your healthcare coverage choices.

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5. THE PARTIES WITH WHOM WE SHARE YOUR PERSONAL INFORMATION

Covered California will only share your personal information with government agencies, qualified health plans or contractors which help to fulfill a required Exchange function.

- *Example: We share the information you provide regarding your household income with the IRS to determine whether you qualify for advanced premium tax credits to reduce your cost of health care coverage. Depending on your income, we may share the information you provide with the California Department of Health Care Services to enable you to enroll in Medi-Cal.*
- *Example: Once your application is complete, we will transmit the information you provide to the qualified health plan of your choice. If your application is incomplete, we may also provide your contact information to a certified representative so they may*

follow-up with you to provide assistance or for community outreach and consumer feedback purposes with your consent.

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6. HOW WE PROTECT YOUR PERSONAL INFORMATION

Covered California strictly adheres to a wide range of both federal and state privacy and information security-related requirements required under Affordable Care Act privacy regulations, the National Institute of Standards and Technology Guidelines, the Health Insurance Portability and Accountability Act (HIPAA) and the California Information Practices Act.

Privacy and Information Security Safeguards

To ensure that any personal information you provide remains safe and secure, Covered California has established and implemented strong technical, administrative and physical safeguards based upon these privacy and security-related legal requirements to ensure that:

- the confidentiality, integrity, and availability of any personal information created, collected, used or disclosed by or to Covered California is preserved;
- your personal information is only used by or disclosed to those authorized to receive or view it;
- any tax return information you provide is kept confidential in accordance with the Internal Revenue Code;
- your personal information is protected against any reasonably anticipated threats or hazards to its confidentiality, integrity or availability; and
- your personal information is protected against any reasonably anticipated uses or disclosures of such information which are not permitted or required by law;
- any personal information you provide is securely destroyed or disposed of in an appropriate and reasonable manner and in accordance with retention schedules; and
- your personal information is complete, accurate and up-to-date to the extent necessary for its intended purposes and has not been altered or destroyed in an unauthorized manner.

In accordance with these safeguards, Covered California utilizes advanced encryption software and any personal information you provide is stored in a secured location.

Covered California's staff and third-party representatives receive ongoing privacy and information security training and access to your personal information is limited to those whose work requires it.

To ensure that you receive the written notices required by the Affordable Care Act, we may periodically contact you to request that you update your mailing address. If we are unable to reach you, we may also update your mailing address within our system based on information you provide to the U.S. Postal Service or your chosen qualified health plan to ensure your mailing address is accurate, complete and up-to-date.

Finally, any personal information you provide is destroyed according to Covered California's record retention schedules and Covered California continuously monitors, assesses and updates these privacy and security-related controls to ensure their effectiveness.

Application to Non-Exchange Entities

In the event Covered California is required to disclose your personal information to another government agency, a qualified health plan or any other non-exchange entity in order to fulfill a required Exchange function, we first require any such organization to enter into a legally-binding contract in which they agree to abide by the same stringent privacy and security controls developed and implemented by Covered California.

Covered California also monitors the performance these agreements and may actually terminate its contract with any such non-exchange entity should it fail to comply.

Notification of Potential Privacy Breach

Covered California employees and non-exchange entities are required to immediately contact the Privacy Office should they ever suspect that the confidentiality of your personal information may have been compromised. Upon notification, the Covered California Privacy Office will immediately investigate and take any remedial measures needed to ensure the continuing security of your personal information.

In the unlikely event that your personal information is ever disclosed to an unauthorized person, Covered California will notify you directly in accordance with applicable California state law.

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7. YOUR PRIVACY RIGHT CHOICES

Under federal and state law, you have certain privacy-related rights with regard to any records within our custody or control containing your personal information. This section identifies these rights and explains how you can best exercise them.

- **Access and inspect your records.**

You have the right to access and inspect any record containing your personal information at any time. If you would like to access and inspect your Covered California records, please [log into your CalHEERS Account](#) for immediate access.

Should you require assistance, please contact the Covered California service center at (800) 300-1506 and a customer service representative will be happy to assist you.

- **Amend and update your records.**

You have the right to request an amendment or update of any of your personal information which Covered California may have on file at any time. If you would like to amend or update your record, please [log into your CalHEERS Account](#) for immediate access or contact the Covered California service center at (800) 300-1506 for assistance.

Note: to ensure that you are able to amend and update your personal information in a timely manner, we strongly recommend that you access your records via one of these two methods.

If you prefer, you may also download and submit a written request to the Covered California Privacy Office and your personal information will be updated within 30 days of receipt. If we are unable to grant your request, you will be notified within 30 days and we will provide you the contact information needed for you to request a review of this decision.

- **Obtain an accounting of any amendments or disputes pertaining to your personal information**

You have the right to obtain a summary of any amendments or updates made to your personal information regardless of whether they are made by you directly or by Covered California in response to either your request or the request of another party. If for whatever reason we are unable to amend or update your personal information following your request, this decision will be reflected within the accounting.

If you would like to request an accounting of any amendments or disputes pertaining to your personal information, please download and submit your written request the Covered California Privacy Office.

- **Designate your preferred method of communication.**

You have the right to specify how you would like Covered California to contact you should we need to do so or to update your preferred method of contact at any time. Should you

wish to do so, please [log into your CalHEERS Account](#) and select your preferred method of communication.

Should you require assistance, please contact the Covered California service center at (800) 300-1506 and a customer service representative will be happy to assist you.

- **Authorize the release of your personal information to a third party.**

You have the right to authorize the release of your personal information to a third party. You may also have the right to request the release of someone else's personal information provided you can demonstrate that you have legal authority to do so.

If you would like to authorize the release of personal information either on your own behalf or on behalf of another person, please download and submit a copy of the request form.

- **File a complaint if you feel your privacy rights have been violated.**

If you believe your privacy rights have been violated, please download and submit a copy of the Covered California Privacy Complaint Form and we will review and respond to your complaint as soon as possible.

For non-privacy related complaints, please download and submit a copy of the standard [Covered California Complaint Form \(CCFR902\)](#).

If you prefer, you may also file a complaint with the U.S. Department of Health and Human Services, Office for Civil Rights by sending a written complaint to 200 Independence Avenue, S.W., Washington, D.C. 20201 or by calling 1-877-696-6775. If you prefer, you may also file your complaint online by visiting www.hhs.gov/ocr/privacy/hipaa/complaints/.

Please note that you will *never* be retaliated against for filing a privacy-related complaint and your decision to file a privacy-related complaint will *never* affect your eligibility for health care coverage or Covered California services.

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8. HOW LONG WE RETAIN YOUR INFORMATION

Under federal law, Covered California is required to retain any records related to your eligibility or enrollment in a health insurance plan for a period of 10 years. During this time, the confidentiality of your personal information will at all times be maintained and protected through the same privacy and security safeguards described above.

Please note that this retention requirement is applicable regardless of whether you continue to utilize Covered California's services. Consequently, Covered California cannot delete your account information prior to this 10-year period but can de-activate your account upon request. Once your account is de-activated, you will need to create a new account should you wish to resume your use of Covered California's services.

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9. CHANGES TO OUR PRIVACY POLICY

In accordance with the Covered California [Terms of Use](#), this Privacy Policy may at Covered California's discretion be updated and revised from time-to-time and any such updates or revisions will be automatically applicable to any personal information you have provided.

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10. CONTACT THE PRIVACY OFFICE

Should you have any questions or concerns regarding this Privacy Policy, please feel free to contact the Covered California Privacy Office via one of the following methods:

By email:

PrivacyOfficer@Covered.ca.gov

By Phone:

(800) 889-3871

By Regular U.S. Mail:

Privacy Officer
1601 Exposition Blvd.
Sacramento, CA 95815